

she come under the banner and folds of the Constitution.

And further, that "the people of the United States" does not mean people of the United States, as a single political community. See article 1, section 2, clause 2, of the Constitution, defining the qualifications of members of Congress.

"No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen."

Now under the first election held under the Constitution, if "citizen of the United States," meant a citizen of the United States as a whole, and not a citizen of one of the several States, no man could have been a member of Congress, because the United States had not been formed for seven years, and no man could have been for seven years a citizen of the United States.

Mr. STIRLING. If the gentleman will permit, I will interpolate a single remark here. If that construction is true, if a citizen of a State means a citizen of the United States, what then becomes of the doctrine which the State's rights party has always maintained, that a citizen of Massachusetts was not necessarily a citizen of the United States? And if his doctrine does not carry with it the doctrine that a black man, a citizen of Massachusetts, is a citizen of the United States?

Mr. CLARKE. I will answer the gentleman in this way—

Mr. STIRLING. I do not deny that it is so.

Mr. CLARKE. I deny it; and I am only responsible for the doctrine I assert. In my opinion, the Constitution when it was formed, was formed for white men, and the history of every step in the formation of the Constitution, shows that it was only meant for white men. And any white man who is a citizen of any of the States, is eligible to a seat in Congress; and when you go a step farther and announce a doctrine in contravention of the Dred Scott decision, which has declared, from the portals of the Supreme Court of the United States, that a black man is not a citizen of the United States, this is my answer: Black men are not citizens of the United States, and are not eligible to Congress, whether they are citizens of Massachusetts, Maryland or any other State. But any white man, for whom this Constitution was solely formed, who is a citizen of one of the several States, is eligible to a seat in Congress. But the gentleman, I suppose, does not submit to the Dred Scott decision.

Mr. STIRLING. I do not agree with it.

Mr. CLARKE. You do not submit to it.

Mr. STIRLING. I submit, but do not agree to it.

Mr. CLARKE. To return to my argument. The last article of the Constitution shows that

it was to be a Constitution only between the States ratifying the same. If gentlemen will turn to first of Elliott's Debates, page 319, they will there find that the several ratifications were made in this form: "We, the deputies of the people of the State of Delaware;" "We, the delegates of the people of Pennsylvania;" and so on throughout, each ratifying it as the people of a sovereign State. A friend near me suggests the question, whether in the formation of this Constitution, and its acceptance by the people of the several States, its acceptance by the people of Pennsylvania contributed one tittle to make that Constitution the form of government over the people of Maryland; or whether it was not made the law of Maryland, so as to bring the people of the State of Maryland under that government, simply, solely and purely by the action of the people of the State of Maryland, acting as a State, and independent of all other States and all other peoples. The latter, of course, is the true answer.

Now it so happened that when studying the Constitution at the Harvard Law School, we had Story as a text book, which announces doctrines in opposition to those which I am endeavoring to establish. Judge Story had then passed away, and had been succeeded, as Dane Professor of Harvard University, by Hon. Joel Parker, who for many years adorned the bench of New Hampshire as its chief justice. In the course of his lectures upon the subject several questions, embracing the doctrines I have announced, were put to him by me and other young men from the South, of whom I am happy to say, a large number were then in attendance. We asked him to review the doctrines of Judge Story. He respectfully informed us that he would take the subject under consideration, and would deliver a lecture upon it at the next meeting. He came in—this Dane Professor of Harvard University, who had succeeded Judge Story, said that Judge Story had, I will not say, misrepresented facts, but had announced doctrines which could not be maintained. And Judge Parker announced to me, as a student of law, and all the southern gentlemen with me, and to the northern gentlemen also, that the Constitution was formed by the people of the several States.

Now I go a step further, and say that it was formed by compact between the States; and in support of this I refer to the democratic, the immortal and true old Jeffersonian doctrine, which I hope will never be surrendered as long as there is a man left in this State to fight for true democracy. I do not mean war democracy; but true old Jeffersonian democracy, the genuine democracy announced in the Virginia and Kentucky resolutions to be found in 4 Elliott's Debates, pages 528 and 540, as follows:

"Resolved, That this Assembly doth explicitly and peremptorily declare that it views